

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON RULES

Call to Order: By **CHAIRMAN FRED THOMAS**, on January 3, 2001 at 4:00 P.M., in Room 317A Capitol.

ROLL CALL

Members Present:

Sen. Fred Thomas, Chairman (R)
Sen. Tom A. Beck, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. Bob Keenan (R)
Sen. Walter McNutt (R)
Sen. Linda Nelson (D)
Sen. Mike Taylor (R)
Sen. Jon Tester (D)

Members Excused: Sen. Don Hargrove (R)

Members Absent: None.

Staff Present: Fredella D. Haab, Committee Secretary
Greg Petesch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: January 3, 2001

CHAIRMAN FRED THOMAS stated SJR #1 had an amendment. Our current rules required a duplicate copy of every bill introduced and we want to strike it so it reads a "single copy."

Mr. Petesch informed the committee they had adopted the practice of only requiring the original bill to be introduced and not the copy. They will be conforming to a practice that will be legal.

CHAIRMAN THOMAS asked what and why the changes were made.

Mr. Petesch said he didn't know why they changed it. He found out after the fact that the Secretary of the Senate, the Chief Clerk of the House and our data processing staff had come to this conclusion and hadn't informed him prior to the Rules meeting. He said the original was assigned to the committee. The original bill actually tracks through the entire process. The duplicate copy was kept on file in the Chief Clerk's and Secretary of the Senate's office and the cover page was given to the press. This was before there was electronic access. When we found out that the cover page was being treated solely for the purpose of the press, we eliminated that process two sessions ago.

SENATOR MIKE TAYLOR asked **Mr. Petesch** if this eliminated duplication.

Mr. Petesch explained that it eliminated the requirement to have to have the back copy and another copy but you had to sign both copies and hand both to the Secretary of the Senate.

SENATOR JON TESTER asked **Mr. Petesch** if the electronic copy was required?

Mr. Petesch said there was no requirement for the electronic copy but that was what the public has accessed to.

CHAIRMAN THOMAS asked **Mr. Petesch** what the purpose was of the insertion language "covered with a cover page of a substantial material?"

Mr. Petesch said it was to retain the requirement in the existing rule that was being struck. It was the backing that allowed you to track the movement of the bills through the process so one could verify compliance with the Constitution's requirements and with the steps to the Rules for legal purposes.

CHAIRMAN THOMAS asked if the language was okay having it in twice.

Mr. Petesch said it was only in once and they were striking it. The first striking was "introduced in duplicate" and we are now saying it was being introduced "covered with a cover page of substantial material."

Motion: SENATOR LORENTS GROSFIELD MOVED THE AMENDMENTS.

SENATOR VICKI COCCHIARELLA asked if they had an official hearing on the Rules?

CHAIRMAN THOMAS said the amendment had been moved. We met earlier, December 8, 2000, and now we are meeting and hearing the actual bill. We are officially hearing this Resolution in this Session.

SEN. COCCHIARELLA asked who was carrying it and moved it.

CHAIRMAN THOMAS said it was under his introduction.

SEN. COCCHIARELLA asked if he was going to make the motion to move the Resolution and then were they going to amend it.

CHAIRMAN THOMAS asked if **SEN. COCCHIARELLA** would make the motion.

Motion: **SEN. COCCHIARELLA** moved **TO ADOPT THE JOINT RULES RESOLUTION #1**.

SENATOR MIKE HALLIGAN didn't understand why they needed the motion. We have a bill here and we just need a motion to amend the bill.

CHAIRMAN THOMAS said some committees have done that. **SEN. GROSFIELD** was asked if he had withdrawn his motion.

SEN. GROSFIELD said he had withdrawn his motion.

SEN. COCCHIARELLA asked if she moved to amend?

CHAIRMAN THOMAS said he would take his motion. He wanted to give him credit. The resolution had been moved and it was Senate Joint Resolution #1 and it had been moved to amend Senate Joint Resolution #1 as it was discussed. Seeing no discussion, all, those in favor of that motion say "aye," opposed "nay."

Vote: Motion **carried unanimously**.

PRESIDENT OF THE SENATE TOM BECK was confused by the fact they were working on Joint Rules shouldn't they be meeting jointly with the House or will they correspond with the same amendment we do.

CHAIRMAN THOMAS said they would act on these Rules and send them to the House. We will act on the Second and Third Reading, send them to the House and they will then adopt them as they are or amend them if that was what they decide. After this we will do Senate Resolution #1.

SEN. COCCHIARELLA asked if they had a motion to move the Resolution as amended.

CHAIRMAN THOMAS stated he didn't think she actually had to make that motion to pass a resolution that has been amended. It had just been amended that was all. Your original motion works.

SEN. HALLIGAN said that in a regular committee if you did executive action and the committee says okay we are now doing this bill and he wanted to amend that bill; they move to amend the bill. It doesn't move the bill to amend it so your motion to get the bill in front of us. The bill was in front of us and then he amended the bill and then he moved the bill as amended. You moved the bill as amended.

SEN. COCCHIARELLA was concerned and she wanted the record to reflect that we went through our own rules, the process of a hearing, and that was why she was concerned and confused.

Motion: SEN. COCCHIARELLA MOVED THE RESOLUTION AS AMENDED.

CHAIRMAN THOMAS stated that Senate Joint Resolution #1 as amended had been moved. Are there any further discussions? Seeing none, all in favor of the motion "aye," opposed "nay."

Vote: Motion carried unanimously.

CHAIRMAN THOMAS said they had an amendment for Senate Resolution #1.

Mr. Petesch stated there was one amendment. You have one reference to being introduced "in duplicate" during the Senate Rules.

Motion: SEN. HALLIGAN MOVED THE AMENDMENT.

PRESIDENT BECK seconded it.

CHAIRMAN THOMAS said it was just removing the word "in duplicate" from S40-20. He asked if there was a discussion on the proposed amendment. Seeing none all in favor of the proposed amendment say "aye," opposed "nay."

Vote: Motion carried unanimously.

Motion: SEN. HALLIGAN MOVED SENATE RESOLUTION #1 AS AMENDED.

CHAIRMAN THOMAS asked for any discussing. Seeing none, all in favor "aye," opposed "nay."

Vote: Motion **carried unanimously.**

SEN. HALLIGAN was concerned over other people besides Senate people being in the cloak room. He thought it was for Senators - not spouses. He was concerned because there are fewer and fewer places where the Senators can go and be by themselves. It's for Senators and Representatives. He would hate to tell somebody's spouse to get out of there but that was for us.

PRESIDENT BECK said he would inform the Sergeant-at-Arms.

SEN. HALLIGAN didn't know if they totally wanted to enforce the rule after Session the first week or two. With the chambers being new there may be some family members who might want to see the remodeling. The family may not want to wait for the thirty minutes or so. There can be a little bit of flexibility there. He thought the pages should be able to go where they wanted.

PRESIDENT BECK doesn't like them to walk in front of the person who was speaking. He thought the pages ought to go where they have to go. We will keep them out of the hallway.

SEN. TAYLOR asked **SEN. HALLIGAN** if he didn't want anybody in the cloak room?

SEN. HALLIGAN said he doesn't want anybody but Representatives and Senators or if any pages need to go in there.

SEN. TAYLOR thought he said they would do if for a week or two?

PRESIDENT BECK asked if he was talking about the one hour rule? We don't want somebody coming in and clobber on a Senator. That was why there was a one hour rule. We could maybe make it a little flexible - not for two weeks - maybe one week. He would talk to the Sergeant-at-Arms.

SEN. HALLIGAN wished to discuss Senate Leadership parking. He thought some people think it's floating. They told me to go #8. It was full. He came back and it was empty. He parked, left, came back, it was full. He thought it was because their names aren't on the signs, and he saw staff people parking there.

PRESIDENT BECK stated that Senate parking had been a disaster since he was elected president. He did agree to leave the very front open. Evidently, the sergeant-at-arms had one list and put the signs up and somebody had another list and actually put the signs up with a different list. By Monday it should be straightened out. They just got the microphones hooked up yesterday in the chambers. He said they were behind and so he's

been asked by Romana and everybody to have just a little bit of patience.

CHAIRMAN THOMAS said after we get through with the parking, we are going to discuss smoking.

PRESIDENT BECK said if what he heard was true, we aren't spending \$70,000 for a smoking room. There are certain things about keeping the historic value of this capital and there was a bill that was actually going to eliminate a smoking room in any public building.

SEN. COCCHIARELLA said the contractors in the hall have smoke filters for \$500.00.

PRESIDENT BECK said he knew that and he would bring a bunch of straw bales over and we'll do it for \$25.00. We'll continue to work on it but he doubted if they would get very far.

SEN. COCCHIARELLA thought it was the principle of it.

PRESIDENT BECK agreed with her.

SEN. BERRY talked to the Sergeant-at-Arms about garbage cans and somebody apparently smashed all the garbage cans.

PRESIDENT BECK said Wal Mart had garbage cans and if we have to we will go down there and buy some. He didn't realize the problem until he got on the floor. He didn't want to wait for the lawsuit with Mergenthalers to get us some garbage cans.

CHAIRMAN THOMAS said he knew this wasn't the Legislative Administration Committee but are there any other issues to be brought before this committee?

CHAIRMAN THOMAS asked **Mr. Petesch** if he had any definitive answers to how those motions as far as we were discussing moving the bill, amending it, and having to move as it was amended. Masons doesn't require a second but we do it.

Mr. Petesch said usually we ask for proponents and opponents.

PRESIDENT BECK stated we had heard that and we were taking executive action on that bill today.

Mr. Petesch said they were not. You were meeting to make a proposal to request to sign a bill request at the end of the last meeting to reflect your action to make recommendations for the Rules. The bills for Rules were introduced by **SEN. THOMAS**. This

was pre-introduced, so it constituted first reading, they were referred to this Committee for hearing and this was the hearing. Now they will be reported out of this committee for second reading.

PRESIDENT BECK asked **Mr. Petesch** to explain what have we got a second bill here that had nothing to do with the Joint Rules that we already adopted. He inquired if this were a separate bill?

Mr. Petesch said they haven't adopted Joint Rules for this Session and he believed **PRESIDENT BECK** made a motion on the floor that the Rules of the entire session would remain as was until these were adopted. You are now going to adopt the rules by passing this Joint Resolution.

CHAIRMAN THOMAS said they wouldn't take official effect until the House votes on them.

Mr. Petesch stated they would not take affect until passed by both houses.

SEN. COCCHIARELLA asked if she could pursue his question? So what we did was executive action on those Resolutions.

Mr. Petesch said they had a hearing and took executive action.

SEN. COCCHIARELLA asked **Mr. Petesch** if they took executive action, make a motion and then amend and then you go through the process.

PRESIDENT BECK said you do not need a motion to bring it into executive action. You needed a motion to do anything to that bill. But the bill was already heard by the joint committee.

CHAIRMAN THOMAS said technically the hearing wasn't conducted right at all, and he apologized. It should have been formally heard.

SEN. HALLIGAN said if you make a motion to adopt the bill and he made a substitute motion to amend the bill it was not clean. Why do it that way? He thought **PRESIDENT BECK** was correct. The bill was sitting here. We can under any motion, we can pass the bill. If you are going to be amending it anyway, why not do a motion to amend the bill that was sitting there and then you do a motion to pass the amended bill. An amendment was first and it doesn't need to be brought and the motion doesn't need to be brought.

SEN. GROSFIELD gave as an example if a chairman of a committee, and this was the way he assumed, halfway through the session and

had ten bills sitting there and as chairman of the committee he can say tomorrow we are going to take executive action on five. He starts off and he says they are taking executive action on SJR #1. You don't make a motion for it. That was a chairman's prerogative.

PRESIDENT BECK said what you do was sponsor the bill already moved. That bill was in front of your committee, if he remembered correctly. When you stand up and present the bill to the committee and they don't necessarily take executive action and then you turn around and do executive action to bring that bill back up. That was when you start to say the motions to get it out of the committees. Whether it needs an amendment and then you pass the bill out of the committee by motion. He didn't think you need a bill to bring up to the committee. You don't need a motion to bring the bill up for discussion but you do need motions to amend it and to pass it out.

Mr. Petesch said that was correct.

SEN. HALLIGAN asked **SEN. GROSFIELD** if we were dealing with five bills tomorrow and he got there tomorrow and he wanted to deal with this sixth bill and it was not on the agenda. Since we have to do a motion to somehow get that in front of the committee on executive action then you can vote me down on that when the bill was in front of you. That was when you would have to do that.

CHAIRMAN THOMAS stated that the only thing he would add to the discussions was that he didn't know if it was necessary to say in the motion to include in the language that it was amended. He didn't know if that was necessary. It was still just this bill and the motion to amend it, did that on its own. It was now changed and so you are still passing the same bill as it was now amended.

SEN. HALLIGAN said technically you gave notice to everybody who was talking about the bill as amended and the bill was introduced.

CHAIRMAN THOMAS said that was true enough but the notice was when we made the motion to amend it.

SEN. HALLIGAN said when the budget bill after we have adopted all the amendments and the ending was will be adopted as amended. So we do use that to make sure we have notice.

SEN. STEVE DOHERTY stated when we gave notice to the public that there had actually been a change from the introduced bill to the

bill that will be reported out. He thought the proper motion was as the bill as amended.

PRESIDENT BECK moved they adjourn.

ADJOURNMENT

Adjournment: 4:35 P.M.

SEN. FRED THOMAS, Chairman

FREDELLA D. HAAB, Secretary

FT/FH

EXHIBIT (rus01aad)